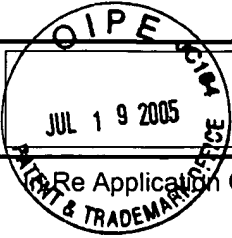

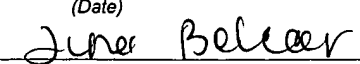
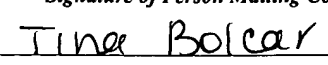
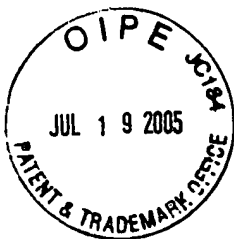


07-20-05

1FW

 TRANSMITTAL LETTER (General - Patent Pending)				Docket No. RFSUNY-3672	
Re Application Of: Pekar, Alexandr					
Application No. 10/733,906	Filing Date 12/11/2003	Examiner Wieker, Amanda, F.	Customer No. 41672	Group Art Unit 3743	Confirmation No.
Title: ATRAUMATIC ENDOTRACHEAL TUBE INTRODUCER AND ATRAUMATIC INTUBATION METHODS					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is: <p style="text-align: center;">A STATEMENT OF THE SUBSTANCE OF A TELEPHONE INTERVIEW</p>					
in the above identified application.					
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below. <div style="margin-left: 40px;"> <input type="checkbox"/> Charge the amount of _____ <input type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required. </div> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ Signature			Dated: July 19, 2005		
Sander Rabin, MD JD Registration No. 53,498 Customer No. 41672 Convergent Technology Patent Law Group 2 Irving Place Troy, NY 12180 (518) 272-7962			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>7-19-05</u>. (Date)  Signature of Person Mailing Correspondence  Typed or Printed Name of Person Mailing Correspondence </div>		
cc:					



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pekar, Alexandr

Examiner: Wieker, Amanda, F.

Serial No.: 10/733,906

Art Unit: 3743

Filed: 12/11/2003

Dkt. No.: RFSUNY-3672 (R14005-110)

**AN ATRAUMATIC ENDOTRACHEAL
TUBE INTRODUCER AND ATRAUMATIC
INTUBATION METHODS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT OF THE SUBSTANCE OF AN INTERVIEW

Sir:

This statement is being filed in response to the Examiner's prompt, received by applicant's attorney on 14 July 2005, advising that, pursuant to MPEP 713.04, the substance of an earlier telephone interview must be made of record in the application.

1. A telephone interview transpired on 28 June 2005.
2. The participants in the interview were the Examiner Amanda F. Wieker and applicant's attorney Sander Rabin.
3. No exhibits were shown nor were any demonstrations conducted.
4. Specific prior art was not discussed.
5. Original (now cancelled) Claims 1-14 and Proposed Claims 15-19 (to be added by a responsive amendment document) were discussed. Proposed Claims 15-19 were versions of certain Original Claims rewritten in independent form to include all limitations of Original Base Claims and intervening Original Claims; and, were intended to satisfy the Examiner's objection of dependency upon Original Base Claims that were rejected.

6. During the telephone interview, the Examiner advised that Proposed Claims 15-19 appeared to be in condition for allowance, but that a final determination would not be made until a responsive amendment document was formally filed by the applicant.

7. The Examiner was advised by applicant's attorney that the original specification would be amended, consistently with the language of Proposed Claims 15-19, to describe the distal (open) end of the shroud as a "closed conic section," in lieu of its original description as an ellipse or a circle; and, that this amendment would not add new matter because the intersection of a plane with a cone can only be a "closed conic section" if the intersection forms either an ellipse or a circle.

8. The Examiner replied that Proposed Claims 15-19 and the amendment to the specification would be examined and considered when the responsive amendment document was formally filed.

Respectfully submitted



Sander Rabin, MD JD July 19, 2005

Registration No. 53,498
Customer No. 41672
Convergent Technology Patent Law Group
2 Irving Place
Troy, NY 12180
(518) 272-7962